



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

weaker vessel, has proved to be the dominating force in the marriage union. The earliest cited by the court is *Samson v. Delilah*, Judges, xvi. The leading and earliest case, however, is *Adam v. Eve*, Genesis, iii. Other cases cited as illustrating the principle that a husband may be relieved in such cases are: *Evans v. Carrington*, 2 DeGex, F. & J. 481; *Evans v. Edmonds*, 13 C. B. 777; *Brisson v. Brisson*, 75 Cal. 525 (17 Pac. 689); *Bartlett v. Bartlett*, 15 Neb. 593 (19 N. W. 691); *Turner v. Turner*, 44 Mo. 539; *Stone v. Wood*, 85 Ill. 603; *Meldrum v. Meldrum*, 15 Col. 478 (24 Pac. 1083).

CORPORATIONS TORTS—LIABILITY OF DIRECTORS.—A corporation stored in its warehouse in a city a large quantity of explosives, contrary to a State statute. By an explosion of such material, plaintiff's intestate was killed. In an action against the corporation and its directors, it was *Held*, that the directors, though ignorant of the excessive amount of explosives on storage, were personally liable, if in the exercise of ordinary diligence as directors they could have known the true situation. *Cameron v. Kenyon-Connell, etc. Co.* (Mont.), 56 Pac. 358.

The principle which the court seems to have correctly applied is that the company and the directors owed a high legal duty to the public in the matter of the storage of explosives, and for a breach of this duty the vicarious character of the directors cannot be set up in excuse. *Nunnally v. Iron Co.* (Tenn.), 28 L. R. A. 241 (29 S. W. 361); *Bank v. Byers* (Mo.), 41 S. W. 325; *Baird v. Shipman*, 132 Ill. 16, s. c. 22 Am. St. Rep. 504, and valuable note discussing the liability of an agent to third persons for non-feasance; *Mayer v. Building Co.* (Ala.), 28 L. R. A. 433 and note; 1 Va. Law Reg. 780.

ABATEMENT—PENDING ACTION.—To a delaration in tort, defendant pleaded the pendency of another action, instituted simultaneously, against the same defendant, by the same plaintiff, in the same court, upon the same cause of action. Plaintiff demurred. *Held*, that the prosecution of the two suits is vexatious, and the second will be abated; but if the court cannot ascertain which is second, both will abate. *Dengler v. Hays* (N. J.), 42 Atl. 775.

Authorities cited: *Pie v. Coke*, Hob. 128; *Beach v. Norton*, 8 Conn. 71; 1 Enc. Pl. & Prac. 753.

The principle that where two actions are commenced at identically the same time, between the same parties, involving the same subject-matter, each will abate the other, and no subsequent discontinuance of either will validate the other, is recognized also in *Wales v. Jones*, 1 Mich. 254; *Davis v. Dunklee*, 9 N. H. 545; and *Haight v. Holley*, 3 Wend. 258.

The general subject of pendency of one action as a defense to another, is discussed, with full citation of authorities, in note to *Smith v. Lathrop*, 84 Am. Dec. 452-456.

CONFLICT OF LAWS—STATUTORY LIABILITY OF MASTER FOR NEGLIGENCE OF FELLOW-SERVANT.—Plaintiff's intestate, a locomotive fireman in the employ of the defendant, was killed in a collision resulting from the negligence of a fellow-servant. The casualty occurred in Indiana, under the statutes of which State the master is liable for the consequences of the fellow-servant's default. The action was instituted in Illinois, where the common law doctrine prevails.